



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1575

Introduced 2/13/2013, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2610/14  
50 ILCS 725/3.8  
720 ILCS 5/14-3

from Ch. 121, par. 307.14  
from Ch. 85, par. 2561

Amends the Criminal Code of 2012 concerning eavesdropping exemptions. Provides that a person who is not a law enforcement officer nor acting at the direction of a law enforcement officer may record the conversation of a law enforcement officer who is performing a public duty in a public place and any other person who is having a conversation with that law enforcement officer if the conversation is at a volume audible to the unassisted ear of the person who is making the recording. Defines "public place". Amends the State Police Act and the Uniform Peace Officers' Disciplinary Act. Provides that if a recorded conversation authorized under this exemption to the eavesdropping statute is used by the complainant as part of the evidence of misconduct against the officer and is found to have been intentionally altered by or at the direction of the complainant to inaccurately reflect the incident at issue, it must be presented to the appropriate State's Attorney for a determination of prosecution. Effective immediately.

LRB098 07800 RLC 37882 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Police Act is amended by changing  
5 Section 14 as follows:

6 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

7 Sec. 14. Except as is otherwise provided in this Act, no  
8 Department of State Police officer shall be removed, demoted or  
9 suspended except for cause, upon written charges filed with the  
10 Board by the Director and a hearing before the Board thereon  
11 upon not less than 10 days' notice at a place to be designated  
12 by the chairman thereof. At such hearing, the accused shall be  
13 afforded full opportunity to be heard in his or her own defense  
14 and to produce proof in his or her defense. Anyone filing a  
15 complaint against a State Police Officer must have the  
16 complaint supported by a sworn affidavit. Any such complaint,  
17 having been supported by a sworn affidavit, and having been  
18 found, in total or in part, to contain false information, shall  
19 be presented to the appropriate State's Attorney for a  
20 determination of prosecution. If a recorded conversation  
21 authorized under subsection (r) of Section 14-3 of the Criminal  
22 Code of 2012 is used by the complainant as part of the evidence  
23 of misconduct against the officer and is found to have been

1 intentionally altered by or at the direction of the complainant  
2 to inaccurately reflect the incident at issue, it must be  
3 presented to the appropriate State's Attorney for a  
4 determination of prosecution.

5 Before any such officer may be interrogated or examined by  
6 or before the Board, or by a departmental agent or investigator  
7 specifically assigned to conduct an internal investigation,  
8 the results of which hearing, interrogation or examination may  
9 be the basis for filing charges seeking his or her suspension  
10 for more than 15 days or his or her removal or discharge, he or  
11 she shall be advised in writing as to what specific improper or  
12 illegal act he or she is alleged to have committed; he or she  
13 shall be advised in writing that his or her admissions made in  
14 the course of the hearing, interrogation or examination may be  
15 used as the basis for charges seeking his or her suspension,  
16 removal or discharge; and he or she shall be advised in writing  
17 that he or she has a right to counsel of his or her choosing,  
18 who may be present to advise him or her at any hearing,  
19 interrogation or examination. A complete record of any hearing,  
20 interrogation or examination shall be made, and a complete  
21 transcript or electronic recording thereof shall be made  
22 available to such officer without charge and without delay.

23 The Board shall have the power to secure by its subpoena  
24 both the attendance and testimony of witnesses and the  
25 production of books and papers in support of the charges and  
26 for the defense. Each member of the Board or a designated

1 hearing officer shall have the power to administer oaths or  
2 affirmations. If the charges against an accused are established  
3 by a preponderance of evidence, the Board shall make a finding  
4 of guilty and order either removal, demotion, suspension for a  
5 period of not more than 180 days, or such other disciplinary  
6 punishment as may be prescribed by the rules and regulations of  
7 the Board which, in the opinion of the members thereof, the  
8 offense merits. Thereupon the Director shall direct such  
9 removal or other punishment as ordered by the Board and if the  
10 accused refuses to abide by any such disciplinary order, the  
11 Director shall remove him or her forthwith.

12 If the accused is found not guilty or has served a period  
13 of suspension greater than prescribed by the Board, the Board  
14 shall order that the officer receive compensation for the  
15 period involved. The award of compensation shall include  
16 interest at the rate of 7% per annum.

17 The Board may include in its order appropriate sanctions  
18 based upon the Board's rules and regulations. If the Board  
19 finds that a party has made allegations or denials without  
20 reasonable cause or has engaged in frivolous litigation for the  
21 purpose of delay or needless increase in the cost of  
22 litigation, it may order that party to pay the other party's  
23 reasonable expenses, including costs and reasonable attorney's  
24 fees. The State of Illinois and the Department shall be subject  
25 to these sanctions in the same manner as other parties.

26 In case of the neglect or refusal of any person to obey a

1 subpoena issued by the Board, any circuit court, upon  
2 application of any member of the Board, may order such person  
3 to appear before the Board and give testimony or produce  
4 evidence, and any failure to obey such order is punishable by  
5 the court as a contempt thereof.

6 The provisions of the Administrative Review Law, and all  
7 amendments and modifications thereof, and the rules adopted  
8 pursuant thereto, shall apply to and govern all proceedings for  
9 the judicial review of any order of the Board rendered pursuant  
10 to the provisions of this Section.

11 Notwithstanding the provisions of this Section, a policy  
12 making officer, as defined in the Employee Rights Violation  
13 Act, of the Department of State Police shall be discharged from  
14 the Department of State Police as provided in the Employee  
15 Rights Violation Act, enacted by the 85th General Assembly.

16 (Source: P.A. 96-891, eff. 5-10-10.)

17 Section 10. The Uniform Peace Officers' Disciplinary Act is  
18 amended by changing Section 3.8 as follows:

19 (50 ILCS 725/3.8) (from Ch. 85, par. 2561)

20 Sec. 3.8. Admissions; counsel; verified complaint.

21 (a) No officer shall be interrogated without first being  
22 advised in writing that admissions made in the course of the  
23 interrogation may be used as evidence of misconduct or as the  
24 basis for charges seeking suspension, removal, or discharge;

1 and without first being advised in writing that he or she has  
2 the right to counsel of his or her choosing who may be present  
3 to advise him or her at any stage of any interrogation.

4 (b) Anyone filing a complaint against a sworn peace officer  
5 must have the complaint supported by a sworn affidavit. Any  
6 complaint, having been supported by a sworn affidavit, and  
7 having been found, in total or in part, to contain knowingly  
8 false material information, shall be presented to the  
9 appropriate State's Attorney for a determination of  
10 prosecution. If a recorded conversation authorized under  
11 subsection (r) of Section 14-3 of the Criminal Code of 2012 is  
12 used by the complainant as part of the evidence of misconduct  
13 against the officer and is found to have been intentionally  
14 altered by or at the direction of the complainant to  
15 inaccurately reflect the incident at issue, it must be  
16 presented to the appropriate State's Attorney for a  
17 determination of prosecution.

18 (Source: P.A. 97-472, eff. 8-22-11.)

19 Section 15. The Criminal Code of 2012 is amended by  
20 changing Section 14-3 as follows:

21 (720 ILCS 5/14-3)

22 Sec. 14-3. Exemptions. The following activities shall be  
23 exempt from the provisions of this Article:

24 (a) Listening to radio, wireless and television

1 communications of any sort where the same are publicly made;

2 (b) Hearing conversation when heard by employees of any  
3 common carrier by wire incidental to the normal course of their  
4 employment in the operation, maintenance or repair of the  
5 equipment of such common carrier by wire so long as no  
6 information obtained thereby is used or divulged by the hearer;

7 (c) Any broadcast by radio, television or otherwise whether  
8 it be a broadcast or recorded for the purpose of later  
9 broadcasts of any function where the public is in attendance  
10 and the conversations are overheard incidental to the main  
11 purpose for which such broadcasts are then being made;

12 (d) Recording or listening with the aid of any device to  
13 any emergency communication made in the normal course of  
14 operations by any federal, state or local law enforcement  
15 agency or institutions dealing in emergency services,  
16 including, but not limited to, hospitals, clinics, ambulance  
17 services, fire fighting agencies, any public utility,  
18 emergency repair facility, civilian defense establishment or  
19 military installation;

20 (e) Recording the proceedings of any meeting required to be  
21 open by the Open Meetings Act, as amended;

22 (f) Recording or listening with the aid of any device to  
23 incoming telephone calls of phone lines publicly listed or  
24 advertised as consumer "hotlines" by manufacturers or  
25 retailers of food and drug products. Such recordings must be  
26 destroyed, erased or turned over to local law enforcement

1 authorities within 24 hours from the time of such recording and  
2 shall not be otherwise disseminated. Failure on the part of the  
3 individual or business operating any such recording or  
4 listening device to comply with the requirements of this  
5 subsection shall eliminate any civil or criminal immunity  
6 conferred upon that individual or business by the operation of  
7 this Section;

8 (g) With prior notification to the State's Attorney of the  
9 county in which it is to occur, recording or listening with the  
10 aid of any device to any conversation where a law enforcement  
11 officer, or any person acting at the direction of law  
12 enforcement, is a party to the conversation and has consented  
13 to it being intercepted or recorded under circumstances where  
14 the use of the device is necessary for the protection of the  
15 law enforcement officer or any person acting at the direction  
16 of law enforcement, in the course of an investigation of a  
17 forcible felony, a felony offense of involuntary servitude,  
18 involuntary sexual servitude of a minor, or trafficking in  
19 persons under Section 10-9 of this Code, an offense involving  
20 prostitution, solicitation of a sexual act, or pandering, a  
21 felony violation of the Illinois Controlled Substances Act, a  
22 felony violation of the Cannabis Control Act, a felony  
23 violation of the Methamphetamine Control and Community  
24 Protection Act, any "streetgang related" or "gang-related"  
25 felony as those terms are defined in the Illinois Streetgang  
26 Terrorism Omnibus Prevention Act, or any felony offense

1 involving any weapon listed in paragraphs (1) through (11) of  
2 subsection (a) of Section 24-1 of this Code. Any recording or  
3 evidence derived as the result of this exemption shall be  
4 inadmissible in any proceeding, criminal, civil or  
5 administrative, except (i) where a party to the conversation  
6 suffers great bodily injury or is killed during such  
7 conversation, or (ii) when used as direct impeachment of a  
8 witness concerning matters contained in the interception or  
9 recording. The Director of the Department of State Police shall  
10 issue regulations as are necessary concerning the use of  
11 devices, retention of tape recordings, and reports regarding  
12 their use;

13 (g-5) With approval of the State's Attorney of the county  
14 in which it is to occur, recording or listening with the aid of  
15 any device to any conversation where a law enforcement officer,  
16 or any person acting at the direction of law enforcement, is a  
17 party to the conversation and has consented to it being  
18 intercepted or recorded in the course of an investigation of  
19 any offense defined in Article 29D of this Code. In all such  
20 cases, an application for an order approving the previous or  
21 continuing use of an eavesdropping device must be made within  
22 48 hours of the commencement of such use. In the absence of  
23 such an order, or upon its denial, any continuing use shall  
24 immediately terminate. The Director of State Police shall issue  
25 rules as are necessary concerning the use of devices, retention  
26 of tape recordings, and reports regarding their use.

1 Any recording or evidence obtained or derived in the course  
2 of an investigation of any offense defined in Article 29D of  
3 this Code shall, upon motion of the State's Attorney or  
4 Attorney General prosecuting any violation of Article 29D, be  
5 reviewed in camera with notice to all parties present by the  
6 court presiding over the criminal case, and, if ruled by the  
7 court to be relevant and otherwise admissible, it shall be  
8 admissible at the trial of the criminal case.

9 This subsection (g-5) is inoperative on and after January  
10 1, 2005. No conversations recorded or monitored pursuant to  
11 this subsection (g-5) shall be inadmissible in a court of law  
12 by virtue of the repeal of this subsection (g-5) on January 1,  
13 2005;

14 (g-6) With approval of the State's Attorney of the county  
15 in which it is to occur, recording or listening with the aid of  
16 any device to any conversation where a law enforcement officer,  
17 or any person acting at the direction of law enforcement, is a  
18 party to the conversation and has consented to it being  
19 intercepted or recorded in the course of an investigation of  
20 involuntary servitude, involuntary sexual servitude of a  
21 minor, trafficking in persons, child pornography, aggravated  
22 child pornography, indecent solicitation of a child, child  
23 abduction, luring of a minor, sexual exploitation of a child,  
24 predatory criminal sexual assault of a child, aggravated  
25 criminal sexual abuse in which the victim of the offense was at  
26 the time of the commission of the offense under 18 years of

1 age, criminal sexual abuse by force or threat of force in which  
2 the victim of the offense was at the time of the commission of  
3 the offense under 18 years of age, or aggravated criminal  
4 sexual assault in which the victim of the offense was at the  
5 time of the commission of the offense under 18 years of age. In  
6 all such cases, an application for an order approving the  
7 previous or continuing use of an eavesdropping device must be  
8 made within 48 hours of the commencement of such use. In the  
9 absence of such an order, or upon its denial, any continuing  
10 use shall immediately terminate. The Director of State Police  
11 shall issue rules as are necessary concerning the use of  
12 devices, retention of recordings, and reports regarding their  
13 use. Any recording or evidence obtained or derived in the  
14 course of an investigation of involuntary servitude,  
15 involuntary sexual servitude of a minor, trafficking in  
16 persons, child pornography, aggravated child pornography,  
17 indecent solicitation of a child, child abduction, luring of a  
18 minor, sexual exploitation of a child, predatory criminal  
19 sexual assault of a child, aggravated criminal sexual abuse in  
20 which the victim of the offense was at the time of the  
21 commission of the offense under 18 years of age, criminal  
22 sexual abuse by force or threat of force in which the victim of  
23 the offense was at the time of the commission of the offense  
24 under 18 years of age, or aggravated criminal sexual assault in  
25 which the victim of the offense was at the time of the  
26 commission of the offense under 18 years of age shall, upon

1 motion of the State's Attorney or Attorney General prosecuting  
2 any case involving involuntary servitude, involuntary sexual  
3 servitude of a minor, trafficking in persons, child  
4 pornography, aggravated child pornography, indecent  
5 solicitation of a child, child abduction, luring of a minor,  
6 sexual exploitation of a child, predatory criminal sexual  
7 assault of a child, aggravated criminal sexual abuse in which  
8 the victim of the offense was at the time of the commission of  
9 the offense under 18 years of age, criminal sexual abuse by  
10 force or threat of force in which the victim of the offense was  
11 at the time of the commission of the offense under 18 years of  
12 age, or aggravated criminal sexual assault in which the victim  
13 of the offense was at the time of the commission of the offense  
14 under 18 years of age, be reviewed in camera with notice to all  
15 parties present by the court presiding over the criminal case,  
16 and, if ruled by the court to be relevant and otherwise  
17 admissible, it shall be admissible at the trial of the criminal  
18 case. Absent such a ruling, any such recording or evidence  
19 shall not be admissible at the trial of the criminal case;

20 (h) Recordings made simultaneously with the use of an  
21 in-car video camera recording of an oral conversation between a  
22 uniformed peace officer, who has identified his or her office,  
23 and a person in the presence of the peace officer whenever (i)  
24 an officer assigned a patrol vehicle is conducting an  
25 enforcement stop; or (ii) patrol vehicle emergency lights are  
26 activated or would otherwise be activated if not for the need

1 to conceal the presence of law enforcement.

2 For the purposes of this subsection (h), "enforcement stop"  
3 means an action by a law enforcement officer in relation to  
4 enforcement and investigation duties, including but not  
5 limited to, traffic stops, pedestrian stops, abandoned vehicle  
6 contacts, motorist assists, commercial motor vehicle stops,  
7 roadside safety checks, requests for identification, or  
8 responses to requests for emergency assistance;

9 (h-5) Recordings of utterances made by a person while in  
10 the presence of a uniformed peace officer and while an occupant  
11 of a police vehicle including, but not limited to, (i)  
12 recordings made simultaneously with the use of an in-car video  
13 camera and (ii) recordings made in the presence of the peace  
14 officer utilizing video or audio systems, or both, authorized  
15 by the law enforcement agency;

16 (h-10) Recordings made simultaneously with a video camera  
17 recording during the use of a taser or similar weapon or device  
18 by a peace officer if the weapon or device is equipped with  
19 such camera;

20 (h-15) Recordings made under subsection (h), (h-5), or  
21 (h-10) shall be retained by the law enforcement agency that  
22 employs the peace officer who made the recordings for a storage  
23 period of 90 days, unless the recordings are made as a part of  
24 an arrest or the recordings are deemed evidence in any  
25 criminal, civil, or administrative proceeding and then the  
26 recordings must only be destroyed upon a final disposition and

1 an order from the court. Under no circumstances shall any  
2 recording be altered or erased prior to the expiration of the  
3 designated storage period. Upon completion of the storage  
4 period, the recording medium may be erased and reissued for  
5 operational use;

6 (i) Recording of a conversation made by or at the request  
7 of a person, not a law enforcement officer or agent of a law  
8 enforcement officer, who is a party to the conversation, under  
9 reasonable suspicion that another party to the conversation is  
10 committing, is about to commit, or has committed a criminal  
11 offense against the person or a member of his or her immediate  
12 household, and there is reason to believe that evidence of the  
13 criminal offense may be obtained by the recording;

14 (j) The use of a telephone monitoring device by either (1)  
15 a corporation or other business entity engaged in marketing or  
16 opinion research or (2) a corporation or other business entity  
17 engaged in telephone solicitation, as defined in this  
18 subsection, to record or listen to oral telephone solicitation  
19 conversations or marketing or opinion research conversations  
20 by an employee of the corporation or other business entity  
21 when:

22 (i) the monitoring is used for the purpose of service  
23 quality control of marketing or opinion research or  
24 telephone solicitation, the education or training of  
25 employees or contractors engaged in marketing or opinion  
26 research or telephone solicitation, or internal research

1 related to marketing or opinion research or telephone  
2 solicitation; and

3 (ii) the monitoring is used with the consent of at  
4 least one person who is an active party to the marketing or  
5 opinion research conversation or telephone solicitation  
6 conversation being monitored.

7 No communication or conversation or any part, portion, or  
8 aspect of the communication or conversation made, acquired, or  
9 obtained, directly or indirectly, under this exemption (j), may  
10 be, directly or indirectly, furnished to any law enforcement  
11 officer, agency, or official for any purpose or used in any  
12 inquiry or investigation, or used, directly or indirectly, in  
13 any administrative, judicial, or other proceeding, or divulged  
14 to any third party.

15 When recording or listening authorized by this subsection  
16 (j) on telephone lines used for marketing or opinion research  
17 or telephone solicitation purposes results in recording or  
18 listening to a conversation that does not relate to marketing  
19 or opinion research or telephone solicitation; the person  
20 recording or listening shall, immediately upon determining  
21 that the conversation does not relate to marketing or opinion  
22 research or telephone solicitation, terminate the recording or  
23 listening and destroy any such recording as soon as is  
24 practicable.

25 Business entities that use a telephone monitoring or  
26 telephone recording system pursuant to this exemption (j) shall

1 provide current and prospective employees with notice that the  
2 monitoring or recordings may occur during the course of their  
3 employment. The notice shall include prominent signage  
4 notification within the workplace.

5 Business entities that use a telephone monitoring or  
6 telephone recording system pursuant to this exemption (j) shall  
7 provide their employees or agents with access to personal-only  
8 telephone lines which may be pay telephones, that are not  
9 subject to telephone monitoring or telephone recording.

10 For the purposes of this subsection (j), "telephone  
11 solicitation" means a communication through the use of a  
12 telephone by live operators:

- 13 (i) soliciting the sale of goods or services;  
14 (ii) receiving orders for the sale of goods or  
15 services;  
16 (iii) assisting in the use of goods or services; or  
17 (iv) engaging in the solicitation, administration, or  
18 collection of bank or retail credit accounts.

19 For the purposes of this subsection (j), "marketing or  
20 opinion research" means a marketing or opinion research  
21 interview conducted by a live telephone interviewer engaged by  
22 a corporation or other business entity whose principal business  
23 is the design, conduct, and analysis of polls and surveys  
24 measuring the opinions, attitudes, and responses of  
25 respondents toward products and services, or social or  
26 political issues, or both;

1           (k) Electronic recordings, including but not limited to, a  
2 motion picture, videotape, digital, or other visual or audio  
3 recording, made of a custodial interrogation of an individual  
4 at a police station or other place of detention by a law  
5 enforcement officer under Section 5-401.5 of the Juvenile Court  
6 Act of 1987 or Section 103-2.1 of the Code of Criminal  
7 Procedure of 1963;

8           (l) Recording the interview or statement of any person when  
9 the person knows that the interview is being conducted by a law  
10 enforcement officer or prosecutor and the interview takes place  
11 at a police station that is currently participating in the  
12 Custodial Interview Pilot Program established under the  
13 Illinois Criminal Justice Information Act;

14           (m) An electronic recording, including but not limited to,  
15 a motion picture, videotape, digital, or other visual or audio  
16 recording, made of the interior of a school bus while the  
17 school bus is being used in the transportation of students to  
18 and from school and school-sponsored activities, when the  
19 school board has adopted a policy authorizing such recording,  
20 notice of such recording policy is included in student  
21 handbooks and other documents including the policies of the  
22 school, notice of the policy regarding recording is provided to  
23 parents of students, and notice of such recording is clearly  
24 posted on the door of and inside the school bus.

25           Recordings made pursuant to this subsection (m) shall be  
26 confidential records and may only be used by school officials

1 (or their designees) and law enforcement personnel for  
2 investigations, school disciplinary actions and hearings,  
3 proceedings under the Juvenile Court Act of 1987, and criminal  
4 prosecutions, related to incidents occurring in or around the  
5 school bus;

6 (n) Recording or listening to an audio transmission from a  
7 microphone placed by a person under the authority of a law  
8 enforcement agency inside a bait car surveillance vehicle while  
9 simultaneously capturing a photographic or video image;

10 (o) The use of an eavesdropping camera or audio device  
11 during an ongoing hostage or barricade situation by a law  
12 enforcement officer or individual acting on behalf of a law  
13 enforcement officer when the use of such device is necessary to  
14 protect the safety of the general public, hostages, or law  
15 enforcement officers or anyone acting on their behalf;

16 (p) Recording or listening with the aid of any device to  
17 incoming telephone calls of phone lines publicly listed or  
18 advertised as the "CPS Violence Prevention Hotline", but only  
19 where the notice of recording is given at the beginning of each  
20 call as required by Section 34-21.8 of the School Code. The  
21 recordings may be retained only by the Chicago Police  
22 Department or other law enforcement authorities, and shall not  
23 be otherwise retained or disseminated; ~~and~~

24 (q) (1) With prior request to and verbal approval of the  
25 State's Attorney of the county in which the conversation is  
26 anticipated to occur, recording or listening with the aid of an

1 eavesdropping device to a conversation in which a law  
2 enforcement officer, or any person acting at the direction of a  
3 law enforcement officer, is a party to the conversation and has  
4 consented to the conversation being intercepted or recorded in  
5 the course of an investigation of a drug offense. The State's  
6 Attorney may grant this verbal approval only after determining  
7 that reasonable cause exists to believe that a drug offense  
8 will be committed by a specified individual or individuals  
9 within a designated period of time.

10 (2) Request for approval. To invoke the exception contained  
11 in this subsection (q), a law enforcement officer shall make a  
12 written or verbal request for approval to the appropriate  
13 State's Attorney. This request for approval shall include  
14 whatever information is deemed necessary by the State's  
15 Attorney but shall include, at a minimum, the following  
16 information about each specified individual whom the law  
17 enforcement officer believes will commit a drug offense:

18 (A) his or her full or partial name, nickname or alias;

19 (B) a physical description; or

20 (C) failing either (A) or (B) of this paragraph (2),  
21 any other supporting information known to the law  
22 enforcement officer at the time of the request that gives  
23 rise to reasonable cause to believe the individual will  
24 commit a drug offense.

25 (3) Limitations on verbal approval. Each verbal approval by  
26 the State's Attorney under this subsection (q) shall be limited

1 to:

2 (A) a recording or interception conducted by a  
3 specified law enforcement officer or person acting at the  
4 direction of a law enforcement officer;

5 (B) recording or intercepting conversations with the  
6 individuals specified in the request for approval,  
7 provided that the verbal approval shall be deemed to  
8 include the recording or intercepting of conversations  
9 with other individuals, unknown to the law enforcement  
10 officer at the time of the request for approval, who are  
11 acting in conjunction with or as co-conspirators with the  
12 individuals specified in the request for approval in the  
13 commission of a drug offense;

14 (C) a reasonable period of time but in no event longer  
15 than 24 consecutive hours.

16 (4) Admissibility of evidence. No part of the contents of  
17 any wire, electronic, or oral communication that has been  
18 recorded or intercepted as a result of this exception may be  
19 received in evidence in any trial, hearing, or other proceeding  
20 in or before any court, grand jury, department, officer,  
21 agency, regulatory body, legislative committee, or other  
22 authority of this State, or a political subdivision of the  
23 State, other than in a prosecution of:

24 (A) a drug offense;

25 (B) a forcible felony committed directly in the course  
26 of the investigation of a drug offense for which verbal

1 approval was given to record or intercept a conversation  
2 under this subsection (q); or

3 (C) any other forcible felony committed while the  
4 recording or interception was approved in accordance with  
5 this Section (q), but for this specific category of  
6 prosecutions, only if the law enforcement officer or person  
7 acting at the direction of a law enforcement officer who  
8 has consented to the conversation being intercepted or  
9 recorded suffers great bodily injury or is killed during  
10 the commission of the charged forcible felony.

11 (5) Compliance with the provisions of this subsection is a  
12 prerequisite to the admissibility in evidence of any part of  
13 the contents of any wire, electronic or oral communication that  
14 has been intercepted as a result of this exception, but nothing  
15 in this subsection shall be deemed to prevent a court from  
16 otherwise excluding the evidence on any other ground, nor shall  
17 anything in this subsection be deemed to prevent a court from  
18 independently reviewing the admissibility of the evidence for  
19 compliance with the Fourth Amendment to the U.S. Constitution  
20 or with Article I, Section 6 of the Illinois Constitution.

21 (6) Use of recordings or intercepts unrelated to drug  
22 offenses. Whenever any wire, electronic, or oral communication  
23 has been recorded or intercepted as a result of this exception  
24 that is not related to a drug offense or a forcible felony  
25 committed in the course of a drug offense, no part of the  
26 contents of the communication and evidence derived from the

1 communication may be received in evidence in any trial,  
2 hearing, or other proceeding in or before any court, grand  
3 jury, department, officer, agency, regulatory body,  
4 legislative committee, or other authority of this State, or a  
5 political subdivision of the State, nor may it be publicly  
6 disclosed in any way.

7 (7) Definitions. For the purposes of this subsection (q)  
8 only:

9 "Drug offense" includes and is limited to a felony  
10 violation of one of the following: (A) the Illinois  
11 Controlled Substances Act, (B) the Cannabis Control Act,  
12 and (C) the Methamphetamine Control and Community  
13 Protection Act.

14 "Forcible felony" includes and is limited to those  
15 offenses contained in Section 2-8 of the Criminal Code of  
16 1961 as of the effective date of this amendatory Act of the  
17 97th General Assembly, and only as those offenses have been  
18 defined by law or judicial interpretation as of that date.

19 "State's Attorney" includes and is limited to the  
20 State's Attorney or an assistant State's Attorney  
21 designated by the State's Attorney to provide verbal  
22 approval to record or intercept conversations under this  
23 subsection (q).

24 (8) Sunset. This subsection (q) is inoperative on and after  
25 January 1, 2015. No conversations intercepted pursuant to this  
26 subsection (q), while operative, shall be inadmissible in a

1 court of law by virtue of the inoperability of this subsection  
2 (q) on January 1, 2015; and ~~+~~

3 (r) A person who is not a law enforcement officer nor  
4 acting at the direction of a law enforcement officer may record  
5 the conversation of a law enforcement officer who is performing  
6 a public duty in a public place and any other person who is  
7 having a conversation with that law enforcement officer if the  
8 conversation is at a volume audible to the unassisted ear of  
9 the person who is making the recording. For purposes of this  
10 subsection (r), "public place" means any place to which the  
11 public has access and includes, but is not limited to, streets,  
12 sidewalks, parks, and highways (including inside motor  
13 vehicles), and the common areas of public and private  
14 facilities and buildings.

15 (Source: P.A. 96-425, eff. 8-13-09; 96-547, eff. 1-1-10;  
16 96-643, eff. 1-1-10; 96-670, eff. 8-25-09; 96-1000, eff.  
17 7-2-10; 96-1425, eff. 1-1-11; 96-1464, eff. 8-20-10; 97-333,  
18 eff. 8-12-11; 97-846, eff. 1-1-13; 97-897, eff. 1-1-13; revised  
19 8-23-12.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.